

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 16-18. This sheet, which includes Figs. 16-18, replaces the original sheet including Figs. 16-18. The previous figures 16-18 were too dark and unclear, the replacements depict the same matter but in an easier to see schematic view.

Attachment: Replacement Sheet

Remarks

Reconsideration of the present application in view of the present amendment and remarks is respectfully requested.

The Examiner has objected to the specification as being single spaced, therefore, a new specification is attached double spaced. No new matter has been added. The original Abstract does not commence on a separate sheet. The undersigned attaches a new Abstract to more correctly define the invention.

Claims 1, 2, and 4-24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,419,994 to Hilton, herein after "*Hilton*." Applicant has amended claims 1-11 and asks that the Examiner reconsider the patentability of the outstanding claims in view of the following remarks.

The present claims, as amended, relate to a flat-folded personal respiratory face mask. Claim 1 describes a flat-folded personal respiratory face mask with a securing means that attaches to the face mask at a location substantially away from the periphery (emphasis added). This allows the peripheral edge of the face mask, which is in contact with the face, to remain more flexible, allowing for a better seal around facial features during inhalation. Another important aspect of the invention of claim 1 is that the seal formed during inhalation is released during exhalation due to the rise in pressure within the face mask and the flexibility of its periphery, which can shift to allow the air to escape (emphasis added). This facilitates fast removal of the expired air from the face mask.

The present invention as described in claim 1 is not taught by *Hilton*. *Hilton* teaches a face piece that is held on the face by one or two head bands "attached to the pocket adjacent the edge 4." (Col. 4, lines 15-20 and Figs. 14 and 15). This limits the flexibility of the periphery of the face piece, therefore restricting the face piece from releasing its seal upon exhalation. *Hilton* is silent on the idea of the seal intentionally releasing during exhalation, a key aspect of the present invention. Claims 2-7 are dependent on claim 1 and are patentable under

35 U.S.C. § 102(b) for at least the same reasons as claim 1.

Claim 8 describes a process for making the flat-folded personal respiratory face mask of claim 1. It involves three steps: the first being folding of a sheet material along its length, the second step being welding along a pre-defined edge, and the third being cutting the shape of the face mask out of the roll.

As described above, *Hilton* does not teach the invention of claim 1. In addition, the process described for making the face piece described in *Hilton* does not teach the process for making the present invention of claim 1 as described in claim 8. *Hilton* describes a process where blanks are first created by cutting them from a sheet material, then welds are made in the blanks, then the blanks are folded and welded again, followed by several additional folds. (Col. 4, lines 44-68 and Col. 5, lines 1-29). This process does not teach the correct series of steps, both operations and order, to create the face mask of claim 1 as described by claim 8 and is also substantially more complicated. Claim 9 is dependent on claim 8 and is patentable under 35 U.S.C. § 102(b) for at least the same reasons as claim 8.

Claim 10 describes a process for making the flat-folded personal respiratory face mask of claim 1. It comprises folding a flat sheet of material, welding the folded sheet along a pre-defined edge, and cutting the shape of the flat-folded face mask out of the sheet.

As described above, *Hilton* does not teach the invention of claim 1. In addition, the process described in *Hilton* does not teach the process of claim 10. Claim 10 specifically describes cutting the shape of the face mask in the flat-folded configuration (emphasis added). This differs from *Hilton*, where blanks of the unfolded face piece were first cut and then later folded and welded. Claim 11 is dependent on claim 10 and is patentable under 35 U.S.C. § 102(b) for at least the same reasons as claim 10.

Claim 12 describes a flat-folded respiratory face mask. It states, in part, “means for securing the mask body against the wearer’s face, imposing a force (F), along said common edge, substantially away from the periphery of the mask body and at an elevation corresponding

to the space between the nose and mouth, and directed toward the face of the wearer; wherein the peripheral portions of the mask body are more flexible to accommodate the face shape and provide a respiratory seal with positive pressure applied from the outside during inhalation, while allowing exhaled air to pass easily through the peripheral flexible portions” (emphasis added). As described above, *Hilton* teaches securing the face piece adjacent the edge, which would not impose a force along the common edge and away from the periphery. *Hilton* is silent on allowing exhaled air to pass easily through the peripheral flexible portions. Claims 13-16 are dependent on claim 12 and are patentable under 35 U.S.C. § 102(b) for at least the same reasons as claim 12.

Claim 17 is similar to claim 12, except that it describes a face mask body made from a non-permeable material and a filtering means that includes a filter insert. *Hilton* does not teach the invention of claim 17 for at least the same reasons as listed above for claim 12. In addition, *Hilton* is silent on making the mask body of a non-permeable material and using a filter insert. Claims 18-24 are dependent on claim 17 and are patentable under 35 U.S.C. § 102(b) for at least the same reasons as claim 17.

Accordingly, Applicant respectfully submits that claims 1, 2, and 4-24 are not anticipated by *Hilton* and requests the withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 2, and 4-24.

Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hilton*. As described above, the invention of claim 1 is not taught by *Hilton* due to significant differences in the securing means and mask periphery.

Accordingly, Applicant respectfully submits that claim 3 is not unpatentable over *Hilton* and requests withdrawal of the 35 U.S.C. § 103(a) rejection of claim 3.

Reconsideration and reexamination of the application is respectfully requested. Applicant has made a genuine effort to respond to each of the Examiner’s objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and

substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is requested to telephone the undersigned at his convenience.

The Commissioner is hereby authorized to charge any fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,
WA CHU

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